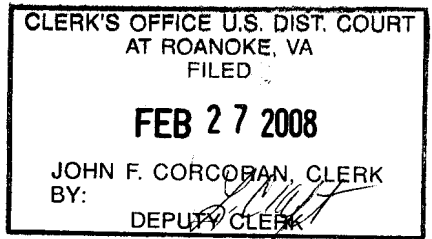


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



HERBERT JAMES HENRY, JR.,)	Civil Action No. 7:07cv00076
Petitioner,)	
)	<u>ORDER</u>
v.)	
)	
UNITED STATES OF AMERICA,)	By: Hon. Glen E. Conrad
Respondent.)	United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

that the respondent's motion to dismiss shall be and hereby is **GRANTED**. Petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **STRICKEN** from the active docket of the court. Any pending motions are hereby **DENIED as MOOT**.

The Clerk is directed to send a copy of this order and accompanying memorandum opinion to petitioner and counsel of record for respondent.

ENTER: This 27th day of February, 2008.

Glen E. Conrad

United States District Judge